

BIGFORK LAND USE ADVISORY COMMITTEE
Approved Minutes Thursday March 25, 2021
4:00 PM Bethany Lutheran Church – Downstairs Meeting Room

Chairwoman Susan Johnson called the meeting to order at 4:03 p.m.

Present: Committee member attendees: Susan Johnson, Lou McGuire, Shelley Gonzales, and Chany Ockert; absent was Jerry Sorensen, Richard Michaud, Brent Pomeroy (recording secretary). Public: 6 members were present; Flathead Planning and Zoning: Laura Mooney

The agenda was approved (m/s, Gonzales/McGuire), unanimous.

Minutes of the January 28, 2021 meeting were approved (m/s, McGuire/Gonzales), unanimous.

Administrator's Report and Announcements:

Sign-in sheet passed around. Approved minutes and documents are posted on the County website: flathead.mt.gov/planning_zoning. Click on [meeting information](#).

Gonzales presented the status of most recent applications:

Oster Zone Change was approved by the Flathead Planning Board with a positive recommendation to Flathead County Commissioners. The application is in the 30-day protest period. Day Trust Zone Change was approved by County Commissioners for SAG-10.

There were 3 open BLUAC positions with 3 candidates: all elected by acclamation (Gonzales, McGuire, Pollett).

Public Comment:

Robert M Borges (134 Foothill View Lane). Trustee with Bigfork Fire Department. Bigfork Fire Department purchased 8 acres for new fire station and has asked the Montana Department of Transportation (MDT) for driveway to the property. MDT has been denying request. Borges asked BLUAC for suggestions on how to proceed.

Peach Graeff (172 Black Bear Lane). Trustee with Bigfork Fire Department. Stated the fire and emergency call statistics: 214 calls in 2020 and, year-to-date as of Mar 25, 2021, 195 calls. Bigfork needs safety on Highway 35 and in the community.

GONZALES: A report from the Bigfork Fire Department and the fire station will be on the BLUAC agenda for April 29, 2021.

Application:

FCU-21-01: A request from Sands Surveying Inc. on behalf of Mark and Tina Gillette for a conditional use permit to build four (4), three-plex apartment buildings. The property is located 236 Jewel Basin Court and can be legally described as Lot 16 Jewel Basin Plaza Subdivision in Section 24, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

Staff Report:

Laura Mooney presented the staff report. The applicant is requesting a conditional permit for four three-plex apartment buildings for 12 units. No additional public agency comments were received. No written or oral public comments on application were received.

OCKERT: What are the setback requirements? MOONEY: 20 feet in back & front. 5 feet to the side.

JOHNSON: Where is the entrance? MOONEY: Not relevant.

SANDS/APPLICANT: Showed site plan. Adjacent property with the same owner has the same conditional use permit.

JOHNSON: What are the open air parking requirements? MOONEY: Enclosed parking is required if in the setback. This site plan does not have parking in the setbacks.

Applicant Report:

JOHNSON: What are the handicap parking requirements? SANDS/APPLICANT: Handicap parking will be created in the building permit process by the Uniform Building Code with the state of Montana. MOONEY: Enforced by the state.

OCKERT: Based on the covenants, will short term rentals be allowed?

SANDS/APPLICANT: No short-term rentals will be allowed. All full-time rentals.

JOHNSON: Will these be condos? SANDS/APPLICANT: No.

Public Agency Comments:

Bigfork Water and Sewer stated their review and submitted comment was based on fewer than four three-plex buildings. There is an easement for water and sewer. Bigfork Water and Sewer will have to look at capacity because of the increased density. The original subdivision was approved with 1 building per lot, not with multiple buildings per lot. Bigfork Water and Sewer will be doing a capacity study.

Public Comments:

None

Staff Reply:

None

Applicant Reply:

No objections to staff report.

Committee Discussion:

GONZALES: The ongoing issue of traffic at this location needs to be addressed by Flathead County and MDT. MDT should do a new traffic study based on the residential density.

JOHNSON: If there is future expansion of the subdivision, there should be a traffic study along Highways 83. GONZALES: Could be in the future and the residential density could be reviewed then.

Findings of Fact:

The Findings of Fact were adopted. (m/s, Gonzales/McGuire), unanimous.

Conditions for Approval:

Motion to adopt the conditions for approval with the addition of condition #12: "The proposed use shall be re-reviewed by Bigfork Water and Sewer for the additional three-plex." (m/s, Gonzales/McGuire), unanimous.

Committee Discussion and Vote:

Ockert moved to forward a positive recommendation for approval to the Board of Adjustment. Motion was seconded by McGuire, motion passed with all in favor.

The Board of Adjustment will consider the application on April 6, 2021 at 6 P.M., in the second-floor conference room of the South Campus Building at 40 11th St. West, Kalispell.

Old Business:

None

New Business:

GONZALES recommends that BLUAC moves website to Bigfork.org for the minutes and information about BLUAC. GONZALES moved to use Bigfork.org and disband BigforkSteering.org. MCGUIRE seconded. Unanimous.

GONZALES reported on the Ice Box Canyon Advisory Committee. Bigfork Neighborhood Plan included the redesign of Hwy 35. The design is out-dated and will not work. Peaceful Drive to Chapman Hill design work will happen with the new subdivisions and pedestrian path. No money has been earmarked for construction. There are known issues with utilities. WGM wants public input with this design segment; www.mdt.mt.gov/pubinvolve/iceboxcanyon/. The funding for maintenance of a multi-use path would have to be done by CFBB (per Ockert). The County will not fund the maintenance.

JOHNSON asked about short-term rentals and the numbers in Bigfork. MOONEY: Every short-term rental is tracked, but not organized by community. Complaints are given to code compliance officers. No coordination with Environmental Health for occupancy issues. If the owners are advertising for more than the permit, Planning and Zoning will investigate and request a change in advertising. A signed document with the complaint must be submitted. Anonymous complaints are not permitted. That process would have to be changed by the County Commissioners. MCGUIRE asked if there was an external database for the public. MOONEY: A person can call Planning and Zoning and ask for specific information about a short-term rental. MOONEY: For the next BLUAC, Planning and Zoning will get the number of short-term rentals in 59911.

GONZALES: Tricia Pollett was elected by acclamation for June 2021. She requested to be appointed for the open position for the remaining 2 months of the position.

Motion to appoint Tricia Pollett from April 1 to May 31, (m/s Gonzales/McGuire), unanimous.

Adjourn

The meeting was adjourned at 4:52

Respectfully submitted by:

Chany Ockert and Shelley Gonzales, members